



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY  
WET 200321**

August 15, 2003

Mr. Heath & Ms. Darcy Beaudoin  
394 Portland St.  
Rochester, NH 03867-2432

RE: DES Wetlands File #2003-01050 Shaw Rd, Rochester

Dear Mr. and Ms. Beaudoin,

On August 13, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Rochester Tax Map 240 as Lot 51 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

Approximately 30,000 square feet of wetland had been dredged and filled.

It is our understanding that Barry Keith has been retained by you to delineate the wetlands and to quantify the amount of impact on the property.

You are requested to take the following additional actions:

- Immediately stabilize any areas subject to erosion
2. Within 30 days of receipt of the Letter of Deficiency, submit a restoration plan to DES for review and approval. The plan must be prepared by a certified wetland scientist and contain the following components:
  - a. A plan with dimensions, drawn to scale, indicating:
    1. the footprint of the wetland prior to disturbance
    2. footprint of the existing conditions showing the areas that have been dredged, filled, and dredged and filled.
  - b. A plan for re-establishing the wetland to its original footprint;
  - c. A proposed means for erosion control
  - d. A proposed schedule and construction sequence listing equipment and methods for accomplishing restoration no later than October 30, 2003;
  - e. A proposed planting plan for the re-establishment of wetland vegetation;
  - f. A proposed monitoring plan, including an initial report by October 30, 2003, and at three restoration progress assessment reports.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-4192.

Sincerely,

  
**COPY**  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 2026

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit ✓  
Rochester Conservation Commission  
Rochester Board of Selectmen  
David Killoy, USACOE